

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
C.A. No. 3:20-cv-302-FDW DSC**

LEGRETTA F. CHEEK,

Plaintiff,

V.

GURSTEL LAW FIRM, P.C.,
BRENNAN S. MURRAY; JESSE H. WALKER

Defendants.

DEFENDANTS' MOTION TO DISMISS THE COMPLAINT

NOW COME the Defendants Gurstel Law Firm, P.C., Brennan S. Murray and Jesse H. Walker, by and through their counsel of record, and hereby move the Court for an order dismissing the Complaint pursuant to Rules 12(b)(2), 12(b)(3) and 12(b)(6) of the Federal Rules of Civil Procedure. As grounds for their Motion, defendants state the following:

1. Defendants do not have sufficient contacts with the State of North Carolina to be subject to the jurisdiction of this Court and dismissal is therefore proper pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure.
2. Plaintiff has brought this lawsuit in the Western District of North Carolina, however, pursuant to U.S.C. § 1391 this judicial district is an improper venue for this action. Dismissal is therefore proper pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure.

3. Plaintiff's claims are time barred pursuant to 15 U.S.C. §1692k(d) and therefore the Complaint should be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.
4. In further support of their motions, defendants contemporaneously are submitting their Memorandum in Support, as well as declarations of the defendants.

WHEREFORE, defendants respectfully request the Court dismiss the Complaint filed herein with prejudice.

This the 20th day of July, 2020

/s/ Caren D. Enloe

Caren D. Enloe
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*Attorneys for Defendants Gurstel Law Firm,
P.C., Brennan S. Murray and Jesse H. Walker*

CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2020, I placed a copy of the foregoing in the United States Mail, first class postage prepaid addressed as follows:

LeGretta F. Cheek
113 Indian Trail Road, Suite 100
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/s/ Caren D. Enloe

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